

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brrazos

Subfile No. CHRB-006-0039

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed April 10, 2002 (Doc. No. 6612) in connection with defendants Alice Martinez and Manuel G. Martinez and subfile CHRB-006-0039, and as grounds therefore Plaintiff states as follows:

1. Since the time Alice Martinez and Manuel G. Martinez (Defendants) signed and approved the Consent Order filed April 10, 2002 in subfile CHRB-006-0039, the State has received a plat of survey of the property under this subfile showing that the property boundaries as mapped by the State were incorrect. The State has now correctly mapped the boundaries of the land under this subfile.

2. The Consent Order filed April 10, 2002 should be vacated.

3. The Defendants have signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above.

5. Defendants support the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed April 10, 2002 (Doc. No. 6612) in connection with defendants Alice Martinez and Manuel G. Martinez and subfile CHRB-006-0039.

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on January 10, 2005.

/electronic signature/
Edward G. Newville

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